



PATENTS

116/7/13

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Donald R. Huffman, et al.

Examiner: Stuart L. Hendrickson

Serial No.: 07/580,246

Art Unit: 1754

RECEIVED

Filed: September 10, 1990

Docket: 7913Z

JUN 25 2003

For: NEW FORM OF CARBON

Dated: June 20, 2003

GROUP 1700

Commissioner for Patents
Alexandria, VA 22313-1450

SUBMISSION FOR REQUEST OF REVIVAL OF APPLICATION
PURSUANT TO 37 C.F.R. §1.8

RECEIVED

JUN 24 2003

OFFICE OF PETITIONS

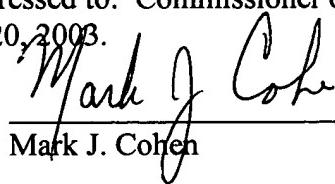
Sir:

A complete Response together with a Petition for Extension of time for three months was duly filed in Response to the Office Action dated January 17, 2002, on July 17, 2002. However, the United States Patent and Trademark Office has indicated in a Communication dated April 21, 2002, that the present application is abandoned, alleging that the applicants did not file a Response to the Office Action dated January 17, 2002.¹

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Alexandria, VA 22313-1450 on June 20, 2003.

Dated: June 20, 2003



Mark J. Cohen

¹ It is to be noted that the Notice of Abandonment dated April 21, 2002 alleges that the Office Action was mailed on January 7, 2002. However, the actual date of the mailing of the latest Office Action in the above-identified application was not January 7, 2002, but rather January 17, 2002. Correction thereof is respectfully requested.

In accordance with the provisions of 37 C.F.R. §1.8(b), applicants are hereby requesting that the filing of the above-identified correspondence be considered timely and that the present application be reviewed. In support thereof and as evidence of the applicants response to said Office Action, applicants are submitting a copy of the documents that were deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231 on July 17, 2002. Said documents are annexed hereto and made a part hereof as Exhibit A. A list of these documents are as follows:

1. A response dated July 17, 2002 consisting of 35 pages.
2. A Declaration of Raouf O. Loutfy dated July 16, 2002, consisting of nine pages and two exhibits.
3. A Declaration of Raouf O. Loutfy dated July 16, 2002, consisting of six pages and two exhibits.
4. A Declaration of Alexander P. Moravsky dated July 16, 2002, consisting of five pages and two exhibits.
5. A Declaration of Harold W. Kroto, under 37 C.F.R. §1.132, dated July 27, 1995 consisting of six pages and seven exhibits.
6. A Declaration of Harold W. Kroto, under 37 C.F.R. §1.132, dated June 9, 1995 (U.S.S.N. 08/236,933) consisting of seven pages and six exhibits.
7. A Supplemental Declaration of Harol W. Kroto under 37 C.F.R. §1.132 dated November 16, 1999 (U.S.S.N. 08/236,933), consisting of fourteen pages and six exhibits.
8. An article entitled, "Materials Science Abounds at the 1993 MRS Fall Meeting", in MRS Bulletin, page 54, March 1994.

9. Xerox copy of the Material Research Award.
10. Certificate on the European Physical Society and accompanying article in *Europy News* 25, 1994.

11. A combined transmittal letter and petition for extension of term of three months, dated July 17, 2002.

12. A check in the amount of \$460.00.

13. A postcard identifying the documents that were filed in the United States Patent and Trademark Office with respect to the above-identified application on July 17, 2002.

It is to be noted that the Response and the combined transmittal letter and petition for extension of time both contained a certificate of mailing under 37 C.F.R. §1.8(a), located on the bottom of the first page and of the second page respectively. In the Certificates, Lisa Fiumara certifies that these correspondence were deposited in the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231 on July 17, 2002.

Since these documents were mailed within the six month statutory period from the mailing of the Official Action and were mailed in accordance with 37 C.F.R. §1.8(a), the documents were timely filed in the United States Patent and Trademark Office.

As further evidence of the timely filing of the above-identified correspondence applicants are also enclosing herewith a copy of the postcard that was submitted with the above-identified correspondence as Exhibit B. The postcard lists specific documents that were placed in the envelope addressed to the Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231 relative to the above-identified application on July 17, 2002. As indicated by the date stamped on the postcard by the mailroom of the United States Patent and

Trademark Office, receipt of these documents listed hereinabove was acknowledged by the United States Patent and Trademark Office on July 23, 2002, further evidencing that the United States Patent and Trademark Office received the Response and that the Response was timely filed.

As further evidence of the timely filing of the Response enclosed herewith in Exhibit C is a copy of the check (front and back) that was mailed concomitantly with the documents identified hereinabove on July 17, 2002. It is to be noted that the United States Patent and Trademark Office stamped "For Credit to the U.S. Treasury" on July 25, 2002, further evidencing that the Response was timely filed and received by the United States Patent and Trademark Office.

Finally, in accordance with the provisions of 37 C.F.R. §1.8(b), and in further support of the present request for the revival of the above-identified application, also enclosed herewith is a Declaration by Lisa Fiumara, the person who mailed the above-identified documents to the United States Patent and Trademark Office. In this Declaration Ms. Fiumara avers that the Response in the above-identified document was mailed by her by depositing the above-identified documents on July 17, 2002 with the U.S. Postal Service as first class mail in an envelope addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231. This Declaration is annexed hereto and made a part hereof as Exhibit D.

This submission is deemed to be in full compliance with the requirements of 37 C.F.R. §1.8(b). Accordingly, it is respectfully submitted that a complete Response, including the responses, the two Declarations of Raouf O. Loutfy, the Declaration of Harold Kroto, the articles and awards, the check and the combined transmittal letter and petition for three month extension of time with the requisite petition fee were timely filed on July 17, 2002 and that the United

States Patent and Trademark Office has improperly abandoned the above-identified application. Consequently, it is respectfully requested that the United States Patent and Trademark Office record the filing of the Response dated July 17, 2002 as timely and that said application be revived.

A Petition Fee is not expressly required under the controlling provisions of 37 C.F.R. §1.8(b). Authorization is given, however, to charge payment of any necessary fees associated with the Communication to Deposit Account No. 19-1013/SSMP. A duplicate copy of this paper is enclosed.

Respectfully submitted,



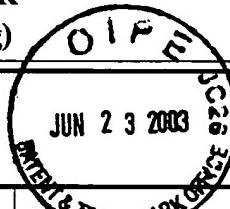
Mark J. Cohen
Registration No. 32,211

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400 Garden City Plaza
Garden City, NY 11530
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MJC:lf

**TRANSMITTAL LETTER
(General - Patent Pending)**

Docket No.
7913Z

In Re Application Of: **Donal R. Huffman, et al.**



Serial No.
07/580,246

Filing Date

September 10, 1990

Examiner
Stuart L. Hendrickson

Group Art Unit
1754

Title: **NEW FORM OF CARBON**

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JUN 25 2003

GROUP 1700

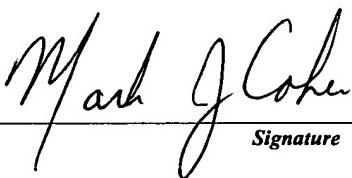
TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is:

SUBMISSION FOR REQUEST OF REVIVAL OF APPLICATION PURSUANT TO 37 C.F.R. 1.8

in the above identified application.

- No additional fee is required.
- A check in the amount of _____ is attached.
- The Director is hereby authorized to charge and credit Deposit Account No. **19-1013/ssmp** as described below.
 - Charge the amount of _____
 - Credit any overpayment.
 - Charge any additional fee required.

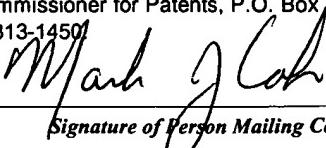


Signature

Dated: **June 20, 2003**

**Mark J. Cohen
Registration No. 32,211
Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, NY 11530
(516) 742-4343**

I certify that this document and fee is being deposited on June 20, 2003 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Signature of Person Mailing Correspondence

Mark J. Cohen

Typed or Printed Name of Person Mailing Correspondence

CC:

SCULLY, SCOTT, MURPHY & PRESSER
A PROFESSIONAL CORPORATION
400 GARDEN CITY PLAZA
GARDEN CITY, NEW YORK 11530-0289

THE SUM **460** DOLLARS

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The Committee of State

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John C. Chapman

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